

1 KEVIN P. MUCK (CSB No. 120918)
2 kmuck@fenwick.com
3 CATHERINE KEVANE (CSB No. 215501)
4 ckevane@fenwick.com
5 MARIE C. BAFUS (CSB No. 258417)
6 mbafus@fenwick.com
7 FENWICK & WEST LLP
8 555 California Street, 12th Floor
9 San Francisco, CA 94104
10 Telephone: (415) 875-2300
11 Facsimile: (415) 281-1350
12
13 Attorneys for Defendants
14 Steven Clontz, Gary Hromadko, Scott Kriens,
15 William Luby, Irving Lyons, III, Christopher
16 Paisley, Stephen Smith, Peter Van Camp and
17 nominal defendant Equinix, Inc.

10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOSEPH STOPA, derivatively on behalf of
14 Nominal Defendant, EQUINIX, INC.,

15 Plaintiff,

16 vs.

17 STEVEN CLONTZ, GARY HROMADKO,
18 SCOTT KRIENS, WILLIAM LUBY,
19 IRVING LYONS, III, CHRISTOPHER
20 PAISLEY, STEPHEN SMITH, PETER VAN
21 CAMP,

22 Defendants.

23 and

24 EQUINIX, INC.,

25 Nominal Defendant.

Case No. 11-CV-02467-SC

Derivative Action

**STIPULATION AND ~~[PROPOSED]~~
ORDER DISMISSING ACTION WITH
PREJUDICE**

1
2 Plaintiff Joseph Stopa (“Plaintiff”) and defendants Steven Clontz, Gary Hromadko, Scott
3 Kriens, William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Camp
4 and nominal defendant Equinix, Inc. (collectively, “Defendants”), by and through their respective
5 counsel of record, hereby stipulate as follows:

6 WHEREAS, presently pending before this Court is Plaintiff’s putative shareholder
7 derivative action against certain officers and directors of Equinix, Inc. (“Equinix” or the
8 “Company”) and against nominal defendant Equinix;

9 WHEREAS, the operative complaint in this action is an Amended Complaint filed on
10 December 14, 2011;

11 WHEREAS, this action has been deemed related to a putative shareholder class action
12 complaint, entitled *Cement Masons & Plasterers Joint Pension Trust v. Equinix, Inc., et al.*, Case
13 No. 11-CV-01016-SC (N.D. Cal.) (“*Cement Masons*”), which was pending in this Court against
14 Equinix and certain officers and directors under the Private Securities Litigation Reform Act
15 (“PSLRA”);

16 WHEREAS, by the parties’ stipulation and order of the Court, entered January 7, 2013, all
17 proceedings in this action have been stayed pending further developments in *Cement Masons*;

18 WHEREAS, on June 12, 2013, the Court issued an order granting defendants’ motion to
19 dismiss with prejudice the Third Amended Complaint in *Cement Masons*;

20 WHEREAS, on July 3, 2013, plaintiffs in *Cement Masons* stipulated that they would not
21 appeal any order entered in *Cement Masons*, including the order granting defendants’ motion to
22 dismiss with prejudice the Third Amended Complaint in that action;

23 WHEREAS, in light of the foregoing, the parties to this action have met and conferred and
24 believe that this action should similarly be dismissed with prejudice, with all parties waiving any
25 rights to appeal from any aspect of this action;

26 WHEREAS, Plaintiffs and Defendants agree that all parties will bear their own fees and
27 costs incurred in connection with this litigation;

28 ///

///

1
2 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the
3 parties, subject to approval by the Court, that:

- 4 1. This action shall be dismissed in its entirety with prejudice, with all parties waiving
5 any rights to appeal from any aspect of this action;
6 2. Plaintiff and Defendants will bear their own fees and costs; and
7 3. The case is hereby closed and all scheduled dates are struck from the Court's calendar.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

Dated: July 9, 2013

FENWICK & WEST LLP

By: /s/ Kevin P. Muck
Kevin P. Muck

FENWICK & WEST, LLP

Attorneys for Defendants Steven Clontz, Gary Hromadko, Scott Kriens, William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Camp and Nominal Defendant Equinix, Inc.

Dated: July 9, 2013

GREEN & NOBLIN, P.C.
FEDERMAN & SHERWOOD

By: /s/ Robert S. Green
Robert S. Green

Attorneys for Plaintiff Joseph Stopa

Pursuant to Civil Local Rule 5-1(i)(3), all of the signatories concur in the filing of this stipulation.

PROPOSED ORDER

Pursuant to the foregoing stipulation, it is hereby ordered that:

1. This action shall be dismissed in its entirety with prejudice, with all parties waiving any rights to appeal from any aspect of this action;
2. Plaintiff and Defendants will bear their own fees and costs; and
3. The case is hereby closed and all scheduled dates are struck from the Court's calendar.

Dated: 07/10/2013

